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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/625,461   | 07/22/2003  | Stephen G. Dame      | 1947-7-3                     | 9163             |
| 996 7590 04/05/2007<br>GRAYBEAL, JACKSON, HALEY LLP<br>155 - 108TH AVENUE NE<br>SUITE 350<br>BELLEVUE, WA 98004-5901 |             |                      | EXAMINER<br>JAMAL, ALEXANDER |                  |
|  |             |                      | ART UNIT<br>2614             | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                |                  |
| 3 MONTHS   |             | 04/05/2007           | PAPER                        |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/625,461

Applicant(s)

DAME ET AL.

Examiner

Alexander Jamal

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-<sup>13</sup>** rejected under 35 U.S.C. 102(b) as being anticipated by Forgues et al. (5708722).

As per **claim 1**, Forgues discloses a fast acting (Col 2 lines 4-16) noise suppression device with an input transducer 16 and an output transducer 27 (Fig. 1). A noise suppression circuit (blocks 20,22,30,32) effects variable amplification levels over time periods between 4 and 100 ms (the 50ms noted in Col 2 lines 30-35). The audio signals will be amplified based on their volume or energy level (signal level) (ABSTRACT). The low volume suppression range can be varied by changing the values of resistors RF,RA and RB (Col 5 lines 20-35).

As per **claim 9**, claim rejected for the same reasons as the claim 1 rejection. There is a high, low and medium level of amplification depending on the signal level (Col 4 lines 1-20).

As per **claims 2,3,5,6,10,11** there is a smooth, continuous amplification level provided by the device during the transitions (Col 6 lines 40-60).

Art Unit: 2614

As per **claim 4**, there is a high, low and medium level of amplification depending on the signal level (Col 4 lines 1-20).

As per **claims 7,12**, the low volume suppression range can be varied by changing the values of resistors RF,RA and RB (Col 5 lines 20-35).

As per **claims 8,13**, claims rejected for the same reasons as claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14-19** rejected under 35 U.S.C. 103(a) as being unpatentable over Forgues et al. (5708722), and further in view of Mauro (6122384).

As per **claim 14**, Forgues discloses claim 14 as per the claim 1 rejection, but does not specify that the gain characteristic is set by a look-up table.

Mauro discloses a noise suppression system where the gain stage may be set by a look-up table (to implement the characteristic shown in Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a look-up table for the purpose of setting the desired gain response.

As per **claims 15,16**, claims rejected for the same reasons as claims 2,3.

Art Unit: 2614

As per **claim 17**, it is rejected for the same reasons as claim 4.


As per **claim 18**, claim rejected for the same reasons as claim 7.

As per **claim 19**, it is rejected as per the claim 1 rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ  
April 2, 2007

  
CURTIS KUNTZ  
SUPERVISOR  
ART UNIT 2614  
APR 2 2007